

## United States Patent and Trademark Office

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APPLICATION NO.	FILING DAT	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/719,206	11/21/2003	Tsunenori Asatsuma	09794353-0031	1970	
26263	7590 04/18/2006		EXAM	EXAMINER	
	CHEIN NATH &	CRANE,	CRANE, SARA W		
P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			ART UNIT	PAPER NUMBER	
			2811		
			DATE MAILED: 04/18/200	DATE MAILED: 04/18/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may are reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any searned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on 30 January 2006.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-95 is/are pending in the application.  4a) Of the above claim(s) 1-64,67-76 and 79-82 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		Application No.	Applicant(s)					
Sara W. Crane  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Search 200 Months for the paining due of this communication, 1396, in to early, allower, as y reply te timely field  B NO period for reply is specified above, the maximum statutory period will apply and will expire \$3. (8) MONTHS from the mating date of this communication, 18 the Deptid for reply is specified above, the maximum statutory period will apply and will expire \$3. (8) MONTHS from the mating date of this communication, 18 the Deptid for reply is specified above, the maximum statutory period will apply and will expire \$3. (8) MONTHS from the mating date of this communication, 18 the second property of the specified above, 18 the second property of the specified and second proper	Office Action Summany							
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Application/Control Number: 10/719,206

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 65-66, 77-78, and 83-95 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Each of the independent claims 65 and 77, as amended, recites a plurality of regularly aligned second regions of higher average dislocation density relative to a first region, with "at least one of the second regions having a c-axis that is inverted relative to the first region." How would one of ordinary skill have made such regions with inverted c-axis? Is this discussed in the specification? Page 49, line 29, of the specification states that the c-axes of the high-density defect regions may be inverted with respect to low-density defect regions, but the examiner did not find any further discussion of this feature in the specification. Is this shown in a figure? In other words, if seeds are to be used, as apparently contemplated by the specification, how would one obtain seeds having the desired axis alignment?

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Claims 65-66, 77-78, and 83-95 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As noted above, the only discussion in the specification of the regions having inverted c-axes appears to be on page 49. Nothing in that discussion says anything about "at least one of the second regions" having the inverted alignment. The teaching is that all of the regions have inverted c-axes. ("In another case, their C-axes may be inverted with respect to low-density defect regions around them.") So the scope of the disclosure is not commensurate with the scope of the claim amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Crane, whose telephone number is (571) 272-1652.

The supervisor for Art Unit 2811, Eddie Lee can be reached on (571) 272-1732. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara W. Crane Primary Examiner

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